

United States Court of Appeals for the Fifth Circuit

No. 21-11040

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

CHRISTOPHER AUNDRE FAULKNER,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:18-CR-500-1

ORDER:

Aaron L. Wiley, the attorney appointed to represent Christopher Aundre Faulkner on appeal, has filed an unopposed motion to withdraw as counsel and for the appointment of a particular attorney as substitute counsel. Faulkner has filed a pro se response requesting the appointment of new counsel.

“[T]he court may, in the interests of justice, substitute one appointed counsel for another at any stage of the proceedings.” 18 U.S.C. § 3006A(c). Appointed counsel may be relieved “upon a showing that there is a conflict of interest or other most pressing circumstances or that the interests of justice otherwise require relief of counsel.” FIFTH CIRCUIT PLAN

No. 21-11040

UNDER THE CRIMINAL JUSTICE Act § 5(B). Wiley and Faulkner have made the required showing.

Accordingly, the motion to withdraw is GRANTED, and Wiley is relieved from further responsibilities in this appeal. The motion for the appointment of substitute counsel is GRANTED in part. However, to the extent the motion seeks the appointment of a particular attorney, it is DENIED in part at this juncture, without prejudice to the Clerk's Office's freedom to select that attorney or another one to represent Faulkner. *See United States v. Gonzalez-Lopez*, 548 U.S. 140, 144, 151 (2006). Wiley's alternative motion for an extension of time to file a brief is DENIED as moot. The Clerk's Office will establish a new briefing schedule following the appointment of substitute counsel.

ENTERED FOR THE COURT:

Kim B. Tycer

KIM TYCER
Deputy Clerk

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

June 01, 2022

Mr. James Patrick Whalen
Whalen Law Office
9300 John Hickman Parkway
Suite 501
Frisco, TX 75035

No. 21-11040 USA v. Faulkner
USDC No. 3:18-CR-500-1

Dear Mr. Whalen,

Enclosed is a copy of the court's order appointing you as counsel under the Criminal Justice Act. Information regarding your compensation and expense voucher will be provided separately. You must complete the voucher when the appeal concludes. You can obtain a copy of our Plan for Representation on Appeal Under the Criminal Justice Act, listing the duties and responsibilities of court-appointed counsel from the Fifth Circuit's website "<http://www.lb5.uscourts.gov/cja/cjaDocs/cja.pdf>".

Please carefully read and within 15 days from this date comply with the applicable instructions stated below.

ATTENTION ATTORNEYS: Direct access to the electronic record on appeal (EROA) for pending appeals will be enabled by the U S District Court on a per case basis. Counsel can expect to receive notice once access to the EROA is available. Counsel must be approved for electronic filing and must be listed in the case as attorney of record before access will be authorized. Instructions for accessing and downloading the EROA can be found on our website at <http://www.ca5.uscourts.gov/docs/default-source/forms/instructions-for-electronic-record-download-feature-of-cm>. Additionally, a link to the instructions will be included in the notice you receive from the district court.

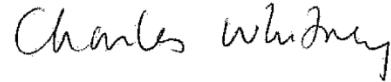
Sealed documents, except for the presentence investigation report in criminal appeals, will not be included in the EROA. Access to sealed documents will continue to be provided by the district court only upon the filing and granting of a motion to view same in this court.

In accordance with Fed. R. App. P. and 5th Cir. R. 31, appellant's brief must be filed within 40 days from this date.

The remainder of the briefing schedule should proceed under the rules.

Sincerely,

LYLE W. CAYCE, Clerk

A handwritten signature in cursive script, appearing to read "Charles Whitney".

By: _____
Charles B. Whitney, Deputy Clerk
504-310-7679

cc w/encl:
Mr. Christopher Aundre Faulkner
Ms. Karen S. Mitchell
Ms. Leigha Amy Simonton
Mr. Aaron L. Wiley